

REMARKS

Claims 1-31 are pending. By this Amendment, claims 1, 10, 15, 16, 24 and 25 are amended. Support for the amendments to 1, 10, 16, and 25 is found throughout the specification and, for example, in paragraph 39 of the published application (U.S. Publication 20050173954) and in Figure 7. Additionally, claims 1, 15, 16 and 24 have been amended to clarify antecedent basis for certain features of the invention. No new matter is added by these amendments. The rejections of the claims in the present application made in the Office Action will now be addressed in order.

Rejection of Claims 1-5 and 10-11 under 35 U.S.C. § 102(b)

The Examiner has rejected claims 1-5 and 10-11 under 35 U.S.C. § 102(b) over US 5,697,673 to Favaretto (“Favaretto”). This rejection is respectfully traversed. Favaretto discloses a chair having a back that *rotates* around an axis [See Figures 2 and 3] and therefore, Favaretto does not disclose a “deflection region” as claimed herein.

It is noted that each of claims 1 and 10 have been amended and currently specify that the frame has two side rails and a top rail extending between the two side rails. Additionally, these claims specify that the back is attached to the two side rails and the top rail. This configuration is not present in Favaretto. Rather, Favaretto discloses rotation of a chair back around an axis and lack a top rail extending between two side rails. Therefore, Favaretto does not anticipate claim 1 or claim 10. Claims 2-5 depend from claim 1 and claim 11 depends from claim 10. Therefore, claims 1-5 and claims 10-11 are patentable over Favaretto.

Rejection of Claims 6-9, 12-15 and 21-31 under 35 U.S.C. § 103(a)

The Examiner has rejected claims 6-9, 12-15 and 21-31 under 35 U.S.C. § 103(a) over Favaretto in view of US 1,917,264 to Kellogg (“Kellogg”). This rejection is respectfully traversed. It is noted that claim 5, from which claims 6-9 depend, claim 10 (from which claims 1-15 depend), claim 16 (from which claim 21-24 depend) and claim 25 (from which claim 26-31 depend) have been amended.

With respect to claims 1 and 10, Favaretto is inapplicable for the reasons set forth in the previous discussion of Favaretto. With respect to claims 16 and 25, these claims specify that the frame has two side rails and a top rail. Additionally, these claims specify that the back is attached to the two side rails and the top rail. For the reasons discussed above, the configuration claimed in claims 16 and 25 is not present in Favaretto.

With respect to Kellogg, a seat is disclosed that is “...shaped to conform to the curves of the human body and is generally inclined downwardly toward the rear as shown in Figure 1...”. (See Page 2, Lines 57-60) It is unclear how where a “pelvis support of ‘about’ six degrees from the horizontal” is shown in Figure 1 as asserted by the Examiner. Moreover, it is unclear how a “pelvis support of ‘about’ six degrees from the horizontal” is relevant to the rejected claims.

In view of the foregoing, the combination of Favaretto with Kellogg does not render 6-9, 12-15 and 21-31 obvious under 35 U.S.C. § 103.

Rejection of Claim 16-20 under 35 U.S.C. § 103

The Examiner has rejected claims 16-20 under 35 U.S.C. § 103(a) over Favaretto asserting that “all of the teaching of the claimed invention [are shown] except the method steps” and that “The method steps as recited would have been incorporated within the use of the invention as taught by Favaretto.” This rejection is respectfully traversed.

Claims 17-20 depend from Claim 16. Claim 16 has been amended by this Amendment and currently specifies that the frame has two side rails and a top rail extending between the two side rails. Additionally, these claims specify that the back is attached to the two side rails and the top rail. This configuration is not present in Favaretto and, as discussed above, Favaretto does not disclose a top rail extending between two side rails. Therefore, Favaretto does *not* show all of the teaching of the claimed invention and cannot render claims 16-20 obvious under 35 U.S.C. § 103.

Conclusion

In view of the foregoing, it is submitted that this application is in condition for allowance. Favorable consideration and prompt allowance of the application are respectfully requested.

The Examiner is invited to telephone the undersigned if the Examiner believes it would be useful to advance prosecution.

Respectfully submitted,



James H. Patterson
Registration No. 30,673

Customer No. 24113
Patterson, Thuente, Skaar & Christensen, P.A.
4800 IDS Center
80 South 8th Street
Minneapolis, Minnesota 55402-2100
Telephone: (612) 349-5741